

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

LUIS CERNA,

Appellant,

v.

EMPLOYMENT SECURITY DEPARTMENT,

Respondent.

Case No. ALLO-03-0014

ORDER OF THE BOARD FOLLOWING
HEARING ON EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, GERALD L. MORGEN, Vice Chair, and BUSSE NUTLEY, Member, on Appellant's exceptions to the director's determination dated February 13, 2003. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on June 18, 2003. WALTER T. HUBBARD, Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellant Luis Cerna was present by telephone and was represented by Laura Saint, Area Representative, Washington Federation of State Employees. Respondent Employment Security Department was represented by Carol Rembaugh, Human Resources Manager.

Background. As a result of a class study encompassing the Job Service Specialist 1 – 6 classes, the Washington State Personnel Resources Board adopted a new class series of WorkSource Specialists 1 – 6 effective January 11, 2002. By letter dated March 11, 2002, Evelyn Rodriguez, Human Resources, informed Appellant that his position was being reallocated from Job Service Specialist 5 to the new WorkSource Specialist 5 classification effective January 11, 2002.

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2 On April 9, 2002, Appellant filed a request for review to the Director of the Department of
3 Personnel. In his letter of appeal, Appellant requested that his position be reallocated to the
4 WorkSource Specialist 6 classification.

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6 On September 12, 2002, the director's designee, Paul Peterson, conducted an allocation review of
7 Appellant's position. By letter dated February 13, 2003, Mr. Peterson determined that Appellant's
8 position was properly allocated to the WorkSource Specialist 5 classification. On March 7, 2003,
9 Appellant filed exceptions with the Personnel Appeals Board to the determination of the
10 Department of Personnel.

11
12 Appellant's position is located at the Employment Security Department, Veterans Unit –
13 WorkSource Center, in Spokane, Washington. Appellant is assigned as a “Local Veterans
14 Employment Representative.” The Local Veterans Employment Representative Program ensures
15 local supervision of Employment Security Department compliance with federal regulations,
16 standards of performance, and grant agreement provisions for special services and priorities for
17 veterans.

18
19 **Summary of Appellant's Argument.** Appellant disagreed with the determination that his position
20 is properly allocated to the WorkSource Specialist 5 classification. Appellant took exception to that
21 determination being based on and limited to the first option in the WorkSource Specialist 5
22 definition. Appellant argued that he supervises two WorkSource Specialist 3 employees who are
23 Disabled Veteran Outreach Program specialists, therefore, his level of responsibility matches the
24 definition of the WorkSource Specialist 6 classification by supervising professional staff. Appellant
25 asserted that the agency is incorrect in claiming that he spends a majority of his time as the local
26 veterans employment representative. Appellant contended that the duties and responsibilities

1 outlined in his classification questionnaire are a better fit to the WorkSource Specialist 6
2 classification.

3
4 **Summary of Respondent's Argument.** Respondent argued that Appellant's position is properly
5 allocated to the WorkSource Specialist 5 classification. Respondent asserted that the allocation of
6 Appellant's position was based on his assignment as a local veterans employment representative.
7 Respondent contended that Appellant's position provides the functional supervision of the veterans
8 programs and plans for the provision of veterans' services to the community. Respondent argues
9 that Appellant's duties are only arguably addressed in the WorkSource Specialist 6 classification,
10 however, Appellant's duties are specifically addressed in the WorkSource Specialist 5 definition.

11
12 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated
13 to the WorkSource Specialist 5 classification should be affirmed.

14
15 **Relevant Classifications.** WorkSource Specialist 5, class code 30170; WorkSource Specialist 6,
16 class code 30180.

17
18 **Decision of the Board.** The purpose of a position review is to determine which classification best
19 describes the overall duties and responsibilities of a position. A position review is neither a
20 measurement of the volume of work performed, nor an evaluation of the expertise with which that
21 work is performed. Also, a position review is not a comparison of work performed by employees in
22 similar positions. A position review is a comparison of the duties and responsibilities of a particular
23 position to the available classification specifications. This review results in a determination of the
24 class which best describes the overall duties and responsibilities of the position. Liddle-Stamper v.
25 Washington State University, PAB Case No. 3722-A2 (1994).

1 Because a current and accurate description of a position's duties and responsibilities is documented
2 in an approved classification questionnaire, the classification questionnaire becomes the basis for
3 allocation of a position. An allocation determination must be based on the overall duties and
4 responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and
5 Health Services, PAB No. ALLO-99-0027 (2000).

6
7 The WorkSource Specialist 6 Definition and Distinguishing Characteristics state:

8
9 Definition: (1) Oversees, directs, supports, and supervises a team of professional staff;
10 facilitates the coordination of services to customers; may supervise administrative support
11 staff, volunteers, etc.; and may functionally oversee partner staff; **OR** (2) manages, directs,
12 and coordinates region-wide special projects, programs or contracts for a Regional Office.

13 Distinguishing Characteristics:

14 As supervisors, employees in these positions are responsible for the delivery of core and/or
15 intensive services through labor exchange activities and other programs such as: CPP,
16 MSFW, Food Stamps, Employer Outreach, WPLEX, Co-location, or for the WorkFirst
17 Program or other Dislocated Worker Retraining Programs.

18
19 The Definition for WorkSource Specialist 5 states:

20 Definition: (1) Plans the provision of employment and training services to local Veteran's
21 community and provides direct services to Veterans and others in accordance with Title 38.
22 May also supervise Disabled Veteran Outreach Program (DVOP) positions; **OR** (2) plans,
23 develops, designs and provides technical program training and assistance for agency staff
24 and service delivery partners to support the provision of Labor exchange services for a
25 Region; **OR** (3) designs and/or oversees programs and/or activities within the WorkSource
26 system that support and manage the change process, which may include supporting and
training of system staff; planning, analyzing, implementing, monitoring and evaluating
programs; building collaborative community relationships; serving as liaison to leadership
and partners; and may supervise professional staff.

Appellant's CQ states, in part, that:

1 Under the direction of the WorkSource Center Administrator, Appellant functionally supervises
2 Veterans Programs and ensures priority service to veterans in a five (Asotin, Garfield, Lincoln,
3 Spokane and Whitman) county area and facilitates the coordination of services to veterans.

4 Monitor the listing of jobs and subsequent referrals of qualified Veterans as required by Section
5 4212 of Title 38...

6 Supervises and oversee and direct DVOP specialists in Spokane JSC and Pullman JSC as well as
7 directs the activities of the Veterans' Unit ...

8 In reviewing Appellant's classification questionnaire, it is clear that Appellant only supervises staff
9 25 percent of his time rather than a majority of his time.

10 Further, Appellant's duties are arguably addressed in the WorkSource Specialist 6 specification.
11 However, his position specifically meets the definition of the WorkSource Specialist 5 with regard
12 to providing veterans' services in accordance with Title 38 and supervising DVOP positions.

13
14 When there is a class definition that specifically includes a particular assignment and there is a
15 general classification that has a definition which could also apply to the position, the position will
16 be allocated to the class with the definition that includes the position. Mikitik v. Dep'ts of Wildlife
17 and Personnel, PAB No. A88-021 (1989).

18
19 The WorkSource Specialist 6 classification is intended to be a more general classification, while the
20 WorkSource Specialist 5 classification specifically addresses the local veteran's community. It is
21 not intended for a more generic classification to be used to allocate a position where the duties and
22 responsibilities of the position are more precisely described by a more specific classification.
23 Therefore, it is not appropriate to allocate Appellant's position to the general classification
24 WorkSource Specialist 6.

1 Appellant has failed to prove that his position is best described by the WorkSource Specialist 6
2 classification. Because Appellant's position is specifically encompassed by the WorkSource
3 Specialist 5 classification, the record supports the decision by the director's designee.

4
5 **Conclusion.** Appellant's position is best described by the WorkSource Specialist 5 classification.
6 Appellant's appeal on exceptions should be denied and the Director's determination dated February
7 13, 2003, should be affirmed.

8
9 **ORDER**

10 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is
11 denied and the Director's determination dated February 13, 2003, is affirmed. A copy is attached.

12
13 DATED this _____ day of _____, 2003.

14 WASHINGTON STATE PERSONNEL APPEALS BOARD

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16 _____
Gerald L. Morgen, Vice Chair

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18 _____
Busse Nutley, Member